

CHAPTER NO. 933

HOUSE BILL NO. 2442

By Representatives Moore, Sherry Jones, Hackworth, Marrero, Cobb, Eldridge, Favors, Brown, Rowe, Mike Turner, Harry Brooks, McCormick

Substituted for: Senate Bill No. 2883

By Senators Haynes, Black, Finney, Beavers, Bowers, Bryson, Burchett, Burks, Cohen, Cooper, Crowe, Crutchfield, Ford, Fowler, Harper, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Tracy, Williams, Woodson and Mr. Speaker Wilder

AN ACT to amend Tennessee Code Annotated, Section 49-5-415, relative to the incidents involving life-threatening food allergies in schools.

WHEREAS, Brentson Duke almost lost his life due to a food allergy; and

WHEREAS, this legislation is a result of this life threatening incident; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as "Brentson's Law".

SECTION 2. Tennessee Code Annotated, Section 49-5-415, is amended by adding the following language as a new subsection (f):

(f)

(1) Not later than January 1, 2007, the department of education, in conjunction with the department of health, shall develop and make available to each LEA guidelines for the management of students with life-threatening food allergies. The guidelines shall include, but need not be limited to:

(A) Education and training for school personnel on the management of students with life-threatening food allergies, including training related to the administration of medication with a cartridge injector;

(B) Procedures for responding to life-threatening allergic reactions to food;

(C) Procedures for the maintenance of a file by the school nurse or principal for each student at risk for anaphylaxis;

(D) Development of communication strategies between individual schools and local providers of emergency medical services, including appropriate instructions for emergency medical response;

(E) Development of strategies to reduce the risk of exposure to anaphylactic causative agents in classrooms and common school areas such as the cafeteria;

(F) Procedures for the dissemination of information on life threatening food allergies to school staff, parents, and students, if appropriate by law;

(G) Procedures for authorizing school personnel to administer epinephrine when the school nurse is not immediately available;

(H) Procedures for the timely accessibility of epinephrine by school personnel when the nurse is not immediately available;

(I) Development of extracurricular programs such as non-academic outings and field trips, before and after school programs, and school-sponsored programs held on weekends related to anaphylaxis;

(J) Creation of an individual health care plan tailored to the needs of each individual child at risk for anaphylaxis, including any procedures for the self-administration of medication by such children in instances where the children are capable of self-administering medication and where such self-administration is otherwise in accordance with the provisions of this title; and

(K) Collection and publication of data for each administration of epinephrine to a student at risk for anaphylaxis.

(2) Not later than July 1, 2007, each LEA shall implement a plan based on the guidelines developed pursuant to subdivision (1) for the management of students with life-threatening food allergies enrolled in the schools under its jurisdiction.

SECTION 3. Tennessee Code Annotated, Section 49-5-415(e), is amended by deleting subdivision (1)(C)(iii) and by substituting instead the following new subdivision thereto:

(iii) A written statement from the student's physician or other licensed health care provider, signed by the physician or provider, that:

- (a) Supports a diagnosis of anaphylaxis;
- (b) Identifies any food or other substances to which the student is allergic;
- (c) Describes, if appropriate, any prior history of anaphylaxis;
- (d) Lists any medication prescribed for the child for the treatment of anaphylaxis;
- (e) Details emergency treatment procedures in the event of a reaction;
- (f) Lists the signs and symptoms of a reaction;
- (g) Assesses the student's readiness for self-administration of prescription medication; and
- (h) Provides a list of substitute meals that may be offered by school food service personnel.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 25, 2006


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 20th day of June 2006


PHIL BREDESEN, GOVERNOR